

other information which the Administrator considers necessary to carry out any provision of this chapter; and

(3) may cooperate with the Administration.

(Pub. L. 100-147, title II, § 211, Oct. 30, 1987, 101 Stat. 875.)

§ 2486j. Reports to Congress and President; comments and recommendations

(a) The Administrator shall submit to the Congress and the President, not later than January 1, 1989, and not later than February 15 of every odd-numbered year thereafter, a report on the activities of the national space grant² and fellowship program.

(b) The Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy in the Executive Office of the President shall have the opportunity to review each report prepared pursuant to subsection (a) of this section. Such Directors may submit, for inclusion in such report, comments and recommendations and an independent evaluation of the national space grant college and fellowship program. Such comments and recommendations shall be submitted to the Administrator not later than 90 days before such a report is submitted pursuant to subsection (a) of this section and the Administrator shall include such comments and recommendations as a separate section in such report.

(Pub. L. 100-147, title II, § 212, Oct. 30, 1987, 101 Stat. 875.)

§ 2486k. Designation or award to be on competitive basis

The Administrator shall not under this chapter designate any space grant college or space grant regional consortium or award any fellowship, grant, or contract unless such designation or award is made in accordance with the competitive, merit-based review process employed by the Administration on October 30, 1987.

(Pub. L. 100-147, title II, § 213, Oct. 30, 1987, 101 Stat. 875.)

§ 2486l. Authorization of appropriations

(a) There are authorized to be appropriated for the purposes of carrying out the provisions of this chapter sums not to exceed—

(1) \$10,000,000 for each of fiscal years 1988 and 1989; and

(2) \$15,000,000 for each of fiscal years 1990 and 1991.

(b) Such sums as may be appropriated under this section shall remain available until expended.

(Pub. L. 100-147, title II, § 214, Oct. 30, 1987, 101 Stat. 875.)

² So in original. Probably should be "grant college".

CHAPTER 31—PUBLIC WORKS ACCELERATION PROGRAM

§ 2642. Acceleration of public works

EXECUTIVE ORDER No. 11049

Ex. Ord. No. 11049, Sept. 14, 1962, 27 F.R. 9203, which provided for implementation of public works acceleration program, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

CHAPTER 32—THIRD PARTY LIABILITY FOR HOSPITAL AND MEDICAL CARE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 25 section 1683.

§ 2652. Regulations

EX. ORD. No. 11060. DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS

Ex. Ord. No. 11060, Nov. 7, 1962, 27 F.R. 10925, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

Under and by virtue of the authority vested in me by Title 3 of the United States Code and by Section 2(a) of the Act of September 25, 1962 (Public Law 87-693) [subsec. (a) of this section], it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget shall, for the purposes of the Act of September 25, 1962, [this chapter], from time to time, determine and establish rates that represent the reasonable value of hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished.

SEC. 2. Except as provided in Section 1 of this order, the Attorney General shall prescribe regulations to carry out the purposes of the Act of September 25, 1962 [this chapter].

CHAPTER 34—ECONOMIC OPPORTUNITY PROGRAM

SUBCHAPTER I—RESEARCH AND DEMONSTRATIONS

PART C—WORK-STUDY PROGRAMS

- | | |
|---------------|--|
| Sec.
2751. | Purpose; appropriations authorized.
(a) Purpose.
(b) Authorization of appropriations. |
| 2752. | Allocation of funds.
(a) Allocation based on previous allocation.
(b) Allocation of excess based on pro rata share.
(c) Allocation of excess based on share of excess eligible amounts.
(d) Determination of institution's need.
(e) Reallocation of excess allocations.
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| 2753. | Grants for work-study programs.
(a) Agreements required.
(b) Contents of agreements.
(c) Private sector employment agreement. |
| 2754. | Sources of matching funds. |
| 2755. | Flexible use of funds.
(a) Carry-over authority.
(b) Carry-back authority. |
| 2756. | Job location and development programs.
(a) Agreements required.
(b) Contents of agreements.
(c) "Community services" defined. |
| 2756a. | Work-study for community service-learning on behalf of low-income individuals and families.
(a) Purpose. |

Sec.

- (b) Definitions.
- (c) Use of other funds to conduct program.

2756b. Omitted.

SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

2991b-1. Loan fund; demonstration project.

- (a) Grants to Hawaiian agency or organization to establish revolving loan fund; purposes of fund; administrative costs.
- (b) Loans to borrowers; determinations; term; interest rate; default and collection procedures; prohibition on self-lending; final date for loans.
- (c) Notice to Secretary of loans in default and uncollectability of such loans; instructions by Secretary.
- (d) Payment of administrative costs; management and technical assistance.
- (e) Regulations.
- (f) Authorization of appropriations; investment in obligations of United States; deposit of unneeded monies as miscellaneous receipts in Treasury.
- (g) Reports to Congress; contents.

2991d-1. Panel review of applications for assistance.

- (a) Establishment of formal panel; members.
- (b) Duties of panel.
- (c) Notice to Congressional committee chairman; information required.

2992b-1. Additional requirements applicable to rule-making.

- (a) In general.
- (b) Interpretative rule or general statement of policy; waiver of notice and public procedure regarding any other rule.
- (c) Effective date of rule or general statement of policy.
- (d) Statutory citation required.
- (e) Rule or general statement of policy necessary as result of legislation; time for issuance.
- (f) Copy of rule or general statement of policy to Congressional leaders.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter referred to in sections 3131, 3141, 6861, 8624, 9902, 9912 of this title; title 2 section 452; title 12 section 1766; title 38 section 2013.

SUBCHAPTER I—RESEARCH AND DEMONSTRATIONS

PART C—WORK-STUDY PROGRAMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 8 section 1255a; title 15 section 1603; title 20 sections 1058, 1066, 1069b, 1070a-3, 1070a-4, 1070a-6, 1070e, 1070e-1, 1070f, 1077, 1078, 1078-1, 1078-2, 1078-3, 1078-6, 1086, 1087-2, 1087kk, 1087ll, 1087mm, 1087oo, 1087qq, 1087ss, 1087tt, 1087uu, 1087vv, 1088, 1089, 1090, 1091, 1091a, 1092, 1092b, 1094, 1096, 1097, 1098, 1111c, 1143, 3346; title 38 section 1798; title 50 App. section 462.

§ 2751. Purpose; appropriations authorized

(a) Purpose

The purpose of this part is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate,

or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this part \$656,000,000 for fiscal year 1987 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1429.)

AMENDMENTS

1986—Pub. L. 99-498 amended section generally. Prior to amendment, section read as follows:

"(a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students who are in need of earnings from employment to pursue courses of study at eligible institutions.

"(b) There are authorized to be appropriated for carrying out this part \$670,000,000 for fiscal year 1981, \$720,000,000 for fiscal year 1982, \$760,000,000 for fiscal year 1983, \$800,000,000 for fiscal year 1984, and \$830,000,000 for fiscal year 1985."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2752 of this title.

§ 2752. Allocation of funds

(a) Allocation based on previous allocation

(1) From the amount appropriated pursuant to section 2751(b) of this title for each fiscal year, the Secretary shall first allocate to each eligible institution for each succeeding fiscal year, an amount equal to 100 percent of the amount such institution received and used under this part for fiscal year 1985.

(2)(A) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1985 but is not a first or second time participant, an amount equal to the greater of—

(i) \$5,000; or

(ii) 90 percent of the amount received and used under this part for the first year it participated in the program.

(B) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1985 and is a first or second time participant, an amount equal to the greatest of—

(i) \$5,000;

(ii) an amount equal to (I) 90 percent of the amount received and used under this part in the second preceding fiscal year by eligible institutions offering comparable programs of instruction, divided by (II) the number of students enrolled at such comparable institutions in such fiscal year, multiplied by (III) the number of students enrolled at the applicant institution in such fiscal year; or

(iii) 90 percent of the institution's allocation under this part for the preceding fiscal year.

(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, the Secretary shall allocate to each eligible institution which—

(i) was a first-time participant in the program in fiscal year 1986 or any subsequent fiscal year, and

(ii) received a larger amount under this subsection in the second year of participation,

an amount equal to 90 percent of the amount it received under this subsection in its second year of participation.

(3)(A) If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under paragraph (1) of this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

(B) If the amount appropriated for any fiscal year is more than the amount required to be allocated to all institutions under paragraph (1) but less than the amount required to be allocated to all institutions under paragraph (2), then—

(i) the Secretary shall allot the amount required to be allocated to all institutions under paragraph (1), and

(ii) the amount of the allocation to each institution under paragraph (2) shall be ratably reduced.

(C) If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under paragraphs (1) and (2) of this subsection).

(b) Allocation of excess based on pro rata share

From one-quarter of the remainder of the amount appropriated pursuant to section 2751(b) of this title for any fiscal year (after making the allocations required by subsection (a) of this section), the Secretary shall allocate to each eligible institution an amount which bears the same ratio to such one-quarter as the amount the eligible institution receives for such fiscal year under subsection (a) of this section bears to the amount all such institutions receive under such subsection (a) of this section.

(c) Allocation of excess based on share of excess eligible amounts

(1) From three-quarters of the remainder of the amount appropriated pursuant to section 2751(b) of this title after making the allocations required by subsection (a) of this section, the Secretary shall allocate to each eligible institution which has an excess eligible amount an amount which bears the same ratio to such remainder as such excess eligible amount bears to the sum of the excess eligible amounts of all such eligible institutions (having such excess eligible amounts).

(2) For any eligible institution, the excess eligible amount is the amount, if any, by which—

(A)(i) the amount of that institution's need (as determined under subsection (d) of this section), divided by (ii) the sum of the need of all institutions (as so determined), multiplied by (iii) the amount appropriated pursuant to section 2751(b) of this title for the fiscal year; exceeds

(B) the amount required to be allocated to that institution under subsection (a) of this section.

(d) Determination of institution's need

(1) The amount of an institution's need is equal to the sum of the self-help need of the institution's eligible undergraduate students and the self-help need of the institution's eligible graduate and professional students.

(2) To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall—

(A) establish various income categories for dependent and independent undergraduate students;

(B) establish an expected family contribution for each income category of dependent and independent undergraduate students, determined on the basis of the average expected family contribution (computed in accordance with part F of this title [20 U.S.C. 1087kk et seq.]) of a representative sample within each income category for the second preceding fiscal year;

(C) compute 25 percent of the average cost of attendance for all undergraduate students;

(D) multiply the number of eligible dependent students in each income category by the lesser of—

(i) 25 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C); or

(ii) the average cost of attendance for all undergraduate students minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;

(E) add the amounts determined under subparagraph (D) for each income category of dependent students; and

(F) multiply the number of eligible independent students in each income category by the lesser of—

(i) 25 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C); or

(ii) the average cost of attendance for all undergraduate students minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction for any income category shall not be less than zero;

(G) add the amounts determined under subparagraph (F) for each income category of independent students; and

(H) add the amounts determined under subparagraphs (E) and (G).

(3) To determine the self-help need of an institution's eligible graduate and professional students, the Secretary, for academic year 1988-1989 shall use the procedures employed for academic year 1986-1987, and, for any subsequent academic years, the Secretary shall—

(A) establish various income categories of graduate and professional students;

(B) establish an expected family contribution for each income category of graduate and professional students, determined on the basis of the average expected family contribution (computed in accordance with part F of this title [20 U.S.C. 1087kk et seq.]) of a representative sample within each income category for the second preceding fiscal year;

(C) determine the average cost of attendance for all graduate and professional students;

(D) subtract from the average cost of attendance for all graduate and professional students (determined under subparagraph (C)), the expected family contribution (determined under subparagraph (B)) for each income category, except that the amount computed by such subtraction for any income category shall not be less than zero;

(E) multiply the amounts determined under subparagraph (D) by the number of eligible students in each category; and

(F) add the amounts determined under subparagraph (E) of this paragraph for each income category.

(4)(A) For purposes of paragraphs (2) and (3), the term "average cost of attendance" means the average of the attendance costs for undergraduate students and for graduate and professional students, which shall include (i) tuition and fees determined in accordance with subparagraph (B), (ii) standard living expenses determined in accordance with subparagraph (C), and (iii) books and supplies determined in accordance with subparagraph (D).

(B) The average undergraduate and graduate and professional tuition and fees described in subparagraph (A)(i) shall be computed on the basis of information reported by the institution to the Secretary, which shall include (i) total revenue received by the institution from undergraduate and graduate tuition and fees for the second year preceding the year for which it is applying for an allocation, and (ii) the institution's enrollment for such second preceding year.

(C) The standard living expense described in subparagraph (A)(ii) is equal to three-fourths in the Pell Grant family size offset for a single independent student.

(D) The allowance for books and supplies described in subparagraph (A)(iii) is equal to \$450.

(e) Reallocation of excess allocations

(1) If an institution returns to the Secretary any portion of the sums allocated to such institution under this section for any fiscal year the Secretary shall reallocate such excess in accordance with paragraph (2). Any sums reallocated under this subsection may be used in accordance with section 2755(a)(2) of this title.

(2) The Secretary shall reallocate not to exceed 25 percent of the amount available pursuant to paragraph (1) to eligible institutions for use in initiating, improving, and expanding programs of community service-learning conducted in accordance with section 2756a of this title. The Secretary shall allocate the remainder of the amounts available pursuant to paragraph (1) to eligible institutions based upon the criteria described in section 2756a(c) of this title.

(f) Filing deadlines

The Secretary shall, from time to time, set dates before which institutions must file applications for allocations under this part.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1429; Pub. L. 100-50, § 11(a), June 3, 1987, 101 Stat. 348.)

REFERENCES IN TEXT

Part F of this title, referred to in subsec. (d)(2)(B), (3)(B), means part F of title IV of Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, known as the Higher Education Act of 1965. Part F of title IV of such Act is classified generally to part E (§ 1087kk et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

1987—Subsec. (e)(2). Pub. L. 100-50, substituted "not to exceed 25 percent" for "25 percent" and "section 2756a(c) of this title" for "subsection (c) of this section", and made technical amendment to reference to section 2756a of this title to correct numerical designation of corresponding section of original act.

1986—Pub. L. 99-498 amended section generally, substituting provisions relating to allocation of funds for provisions relating to allotments to States.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 403(b)(1) of Pub. L. 99-498, as enacted by Pub. L. 100-50, § 22(c), June 3, 1987, 101 Stat. 361, provided that: "Section 442 of the Act [this section] shall apply with respect to the allocation of funds for academic year 1988-1989 and succeeding academic years."

COLLEGE WORK-STUDY ALLOTMENT FOR SPECIFIC FISCAL YEARS

For provision that, notwithstanding subsecs. (a), (b), (c), and (e) of this section, the Secretary shall apportion funds among the States so that each State's apportionment under the Work-Study Program bears the same ratio to the total amount appropriated under that program as that State's apportionment in fiscal year 1981 for that program bears to the total amount appropriated for fiscal year 1981 for that program, and that, with regard to the Work-Study Program, notwithstanding section 2756(a) of this title, from each jurisdiction's allotment of funds under that program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-1980) under that program in a manner that will most effectively carry out the purposes of the Work-Study Program, see section 300 of Pub. L. 99-178, set out as a note under section 1070b-3 of Title 20, Education.

For similar provisions for fiscal year 1985, see section 300 of Pub. L. 98-619, set out as a note under section 1070b-3 of Title 20.

Pub. L. 98-8, title I, § 100, Mar. 24, 1983, 97 Stat. 27, provided that notwithstanding subsecs. (a), (b), (c), and (e) of this section and section 11 of Public Law 97-301, set out as a note below, the Secretary should allot the sums appropriated pursuant to 42 U.S.C. 2751(b) for fiscal year 1983 among the States so that each State's allotment bore the same ratio to the total amount appropriated as that State's allotment in fiscal year 1981 bore to the total amount appropriated pursuant to that section for fiscal year 1981.

Pub. L. 97-301, § 11, Oct. 13, 1982, 96 Stat. 1403, which provided that notwithstanding subsecs. (a), (b), (c), and (e) of this section, if in fiscal year 1983, fiscal year 1984, or fiscal year 1985 the sums appropriated pursuant to 42 U.S.C. 2751(b) were less than the sums appropriated pursuant to such section for the fiscal year 1981, the Secretary should allot the sums appropriated pursuant to that section for such fiscal year among the States so that each State's allotment bore the same ratio to the total amount appropriated as that State's allotment in fiscal year 1981 bore to the total amount appropriated pursuant to that section for fiscal year 1981 was repealed by Pub. L. 99-498, title IV, § 408(b), Oct. 17, 1986, 100 Stat. 1495, eff. with respect to any academic year beginning on or after July 1, 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2756 of this title; title 20 sections 1089, 1095.

§ 2753. Grants for work-study programs

(a) Agreements required

The Secretary is authorized to enter into agreements with institutions of higher education under which the Secretary will make grants to such institutions to assist in the operation of work-study programs as provided in this part.

(b) Contents of agreements

An agreement entered into pursuant to this section shall—

(1) provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself or work in the public interest for a Federal, State, or local public agency or private nonprofit organization under an arrangement between the institution and such agency or organization, and such work—

(A) will not result in the displacement of employed workers or impair existing contracts for services;

(B) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee;

(C) does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship; and

(D) will not pay any wage to students employed under this subpart¹ that is less than the current Federal minimum wage as mandated by section 206 of title 29;

(2) provide that funds granted an institution of higher education, pursuant to this section, may be used only to make payments to students participating in work-study programs, except that—

(A) an institution may use not to exceed 10 percent of the funds granted to the institution in any fiscal year to carry out the work study program described in section 2756a of this title at the increased Federal share specified in paragraph (5)(B) of this subsection, and

(B) an institution may use a portion of the sums granted to it to meet administrative expenses in accordance with section 1096 of title 20, may use a portion of the sums granted to it to meet the cost of a job location and development program in accordance with section 2756 of this title, and may transfer funds in accordance with the provisions of section 1095 of title 20;

(3) provide that in the selection of students for employment under such work-study program, only students who demonstrate financial need in accordance with part F of this title [20 U.S.C. 1087kk et seq.], and who meet the requirements of section 1091 of title 20 will be assisted, except that, if the institution's grant under this part is directly or indirectly based in part on the financial need demonstrated by students attending the institution less than full time, a reasonable proportion of the institution's grant shall be made available to such students;

(4) provide that for a student employed in a work-study program under this part, at the time income derived from any employment (including non-work-study or both) is in excess of the determination of the amount of such student's need by more than \$200, continued employment shall not be subsidized with funds appropriated under this part;

(5) provide that the Federal share of the compensation of students employed in the work study program in accordance with the agreement will not exceed 80 percent for academic years 1987-1988 and 1988-1989, 75 percent for academic year 1989-1990, and 70 percent for academic year 1990-1991 and succeeding academic years, except that—

(A) the Federal share may exceed such amounts of such compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part; and

(B) the Federal share of the compensation of the students employed in the work study for community service-learning programs described in section 2756a of this title from funds available under paragraph (2)(A) in accordance with the agreement will not exceed 90 percent of such compensation;

(6) include provisions to make employment under such work-study program reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof, and to make equivalent employment offered or arranged by the institution reasonably available (to the extent of available funds) to all students in the institution who desire such employment;

(7) provide assurances that employment made available from funds under this part will, to the maximum extent practicable, complement and reinforce the educational program or vocational goals of each student receiving assistance under this part;

¹ So in original. Probably should be "part".

(8) provide assurances, in the case of each proprietary institution, that students attending the proprietary institution receiving assistance under this part who are employed by the institution may be employed in jobs—

(A) on campus only;

(B) that, to the maximum extent practicable, complement and reinforce the educational programs or vocational goals of such students; and

(C) furnishing student services, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school; and

(9) include such other reasonable provisions as the Secretary shall deem necessary or appropriate to carry out the purpose of this part.

(c) Private sector employment agreement

As part of its agreement agreement² described in subsection (b) of this section, an institution of higher education may, at its option, enter into an additional agreement with the Secretary which shall—

(1) provide for the operation by the institution of a program of part-time employment of its students in work for a private for-profit organization under an arrangement between the institution and such organization that complies with the requirements of subparagraphs (A) through (D) of subsection (b)(1) of this section and subsection (b)(3) of this section;

(2) provide that the institution will use not more than 25 percent of the funds made available to such institution under this part for any fiscal year for the operation of the program described in paragraph (1);

(3) provide that, notwithstanding subsection (b)(5) of this section, the Federal share of the compensation of students employed in such program will not exceed 60 percent for academic years 1987-1988 and 1988-1989, 55 percent for academic year 1989-1990, and 50 percent for academic year 1990-1991 and succeeding academic years, and that the non-Federal share of such compensation will be provided by the private for-profit organization in which the student is employed;

(4) provide that jobs under the work study program will be academically relevant; and

(5) provide that the for-profit organization will not use funds made available under this part to pay any employee who would otherwise be employed by the organization.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1432; Pub. L. 100-50, § 11(b), (c), June 3, 1987, 101 Stat. 348.)

REFERENCES IN TEXT

Part F of this title, referred to in subsec. (b)(3), means part F of title IV of Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, known as the Higher Education Act of 1965. Part F of title IV of such Act is classified generally to part E (§ 1087kk et seq.) of subchapter IV of chapter 28 of Title 20, Education. For

² So in original.

complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

1987—Subsec. (b). Pub. L. 100-50, § 11(b), substituted “paragraph (5)(B)” for “clause (6)(B)” in par. (2)(A), and “paragraph (2)(A)” for “clause (2)(A)” in par. (5)(B).

Subsec. (c). Pub. L. 100-50, § 11(c), substituted “As part of its agreement” for “In addition to the” and inserted “and subsection (b)(3) of this section” before semicolon at end of par. (1).

1986—Pub. L. 99-498 amended section generally, inserting provisions relating to private sector employment agreements.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 403(b)(2), formerly section 403(b), of Pub. L. 99-498, as redesignated by Pub. L. 100-50, § 22(c), June 3, 1987, 101 Stat. 361, provided that: “Sections 443(c), 446, and 447 of the Act [42 U.S.C. 2753(c), 2756, 2756a] as amended by this section shall apply to periods of enrollment beginning on or after July 1, 1987.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2755 of this title; title 20 section 1070c-2.

§ 2754. Sources of matching funds

Nothing in this part shall be construed as restricting the source (other than this part) from which the institution may pay its share of the compensation of a student employed under a work-study program covered by an agreement under this part, and such share may be paid to such student in the form of services and equipment (including tuition, room, board, and books) furnished by such institution.

(Pub. L. 89-329, title IV, § 444, as added Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435.)

PRIOR PROVISIONS

A prior section 2754, Pub. L. 89-329, title IV, § 444, formerly title I, § 144, as added, renumbered, and amended Pub. L. 90-575, title I, §§ 131(a), (b)(1), 133(a), (c), 134, 136, 137, 138, 139(2), Oct. 16, 1968, 82 Stat. 1028, 1029, 1030; Pub. L. 92-318, title I, §§ 135C(a)(1), 135D, 135E, June 23, 1972, 86 Stat. 271; Pub. L. 94-482, title I, § 128(c), Oct. 12, 1976, 90 Stat. 2143, which set out conditions required of agreements with eligible institutions, was repealed by Pub. L. 96-374, title IV, § 434, Oct. 3, 1980, 94 Stat. 1434, eff. Oct. 1, 1980. See section 2753(b) of this title.

§ 2755. Flexible use of funds

(a) Carry-over authority

(1) Of the sums granted to an eligible institution under this part for any fiscal year, 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out programs under this part.

(2) Any of the sums so granted to an institution for a fiscal year which are not needed by that institution to operate work-study pro-

grams during that fiscal year, and which it does not wish to use during the next fiscal year as authorized in the preceding sentence, shall remain available to the Secretary for making grants under section 2753 of this title to other institutions in the same State until the close of the second fiscal year next succeeding the fiscal year for which such funds were appropriated.

(b) Carry-back authority

Up to 10 percent of the sums the Secretary determines an eligible institution may receive from funds which have been appropriated for a fiscal year may be used by the Secretary to make grants under this part to such institution for expenditure during the fiscal year preceding the fiscal year for which the sums were appropriated.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435.)

AMENDMENTS

1986—Pub. L. 99-498 amended section generally, substituting provisions relating to flexible use of funds for provisions relating to sources of matching funds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2752 of this title.

§ 2756. Job location and development programs

(a) Agreements required

(1) The Secretary is authorized to enter into agreements with eligible institutions under which—

(A) such institution may use not more than 10 percent or \$30,000 of its allotment under section 2752 of this title, whichever is less, to establish or expand a program under which such institution, separately or in combination with other eligible institutions, locates and develops jobs for currently enrolled students; and

(B) such institution may use not more than 10 percent or \$20,000 of its allotment under section 2752 of this title, whichever is less, to establish or expand a program under which such institution, separately or in combination with other eligible institutions and through formal or informal consultation with local nonprofit, governmental, educational, and community-based organizations, locates and develops community services jobs for students eligible under this part.

(2) Jobs located and developed under subparagraph (A) or (B) of paragraph (1) shall be jobs which are suitable to the scheduling and other needs of such students and which, to the maximum extent practicable, complement and reinforce the educational programs or vocational goals of such students.

(b) Contents of agreements

Agreements under subsection (a) of this section shall—

(1) provide that the Federal share of the cost of any program under this section will not exceed 80 percent of such cost;

(2) provide satisfactory assurance that funds available under this section will not be used to locate or develop jobs at an eligible in-

stitution unless such jobs directly relate to the objectives described in subsection (a)(1)(B) of this section;

(3) provide satisfactory assurance that funds available under this section will not be used for the location or development of jobs for students to obtain upon graduation, but rather for the location and development of jobs available to students during and between periods of attendance at such institution;

(4) provide satisfactory assurance that the location or development of jobs pursuant to programs assisted under this section will not result in the displacement of employed workers or impair existing contracts for services;

(5) provide satisfactory assurance that Federal funds used for the purpose of this section can realistically be expected to help generate student wages exceeding, in the aggregate, the amount of such funds, and that if such funds are used to contract with another organization, appropriate performance standards are part of such contract; and

(6) provide that the institution will submit to the Secretary an annual report on the uses made of funds provided under this section and an evaluation of the effectiveness of such program in benefiting the students of such institution.

(c) "Community services" defined

For the purpose of this section, the term "community services" means services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs including, but not limited to, such fields as health care, child care, literacy training, education (including tutorial services), housing and neighborhood improvement, rural development, and community improvement.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435; Pub. L. 100-50, § 11(d), June 3, 1987, 101 Stat. 348.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2756a of this title prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1987—Subsec. (b)(3) to (7). Pub. L. 100-50 redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which read as follows: "provide satisfactory assurance that the institution will continue to spend in its own job location and development programs, from sources other than funds received under this section, not less than the average expenditures per year made during the most recent 3 fiscal years preceding the effective date of the agreement;".

1986—Pub. L. 99-498 amended section generally, substituting provisions relating to job location and development programs for provisions relating to equitable distribution of assistance.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986,

Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section applicable to periods of enrollment beginning on or after July 1, 1987, see section 403(b)(2) of Pub. L. 99-498, set out as a note under section 2753 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2753 of this title.

§ 2756a. Work-study for community service-learning on behalf of low-income individuals and families

(a) Purpose

The purpose of this section is to encourage and enable institutions of higher education to develop work study programs involving eligible students in community service-learning designed to develop, improve, or expand services for low-income individuals and families or to solve particular problems related to the needs of low-income individuals.

(b) Definitions

For the purpose of this section—

(1) “community service-learning program” means a program of student work that—

(A) provides tangible community services for or on behalf of low-income individuals or families; and

(B) to the maximum extent practicable, provides participating students with work-learning opportunities which complement and reinforce their educational programs or vocational goals; and

(2) “community services” means services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs including, but not limited to, such fields as health care, child care, literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, crime prevention and control, recreation, rural development, and community improvement.

(c) Use of other funds to conduct program

Each institution participating under this part may use funds made available under the last sentence of section 1096(a) of title 20 to conduct that institution's program of community service-learning, including—

(1) development of mechanisms to assure the academic quality of the student experience,

(2) assuring student access to educational resources, expertise, and supervision necessary to achieve community service objectives, and

(3) collaboration with public and private nonprofit agencies in the planning, development, and administration of such programs.

(As amended Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1436.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2756b of this title prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1986—Pub. L. 99-498 amended section generally, substituting provisions relating to work-study for community service-learning on behalf of low-income individuals and families for provisions relating to job location and development programs and agreements with eligible institutions. See section 2756 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Section applicable to periods of enrollment beginning on or after July 1, 1987, see section 403(b)(2) of Pub. L. 99-498, set out as a note under section 2753 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2752, 2753 of this title; title 20 section 1096.

§ 2756b. Omitted

CODIFICATION

Section, Pub. L. 89-329, title IV, § 448, as added Pub. L. 96-374, title IV, § 437, Oct. 3, 1980, 94 Stat. 1436, which related to work study programs for community service-learning, was omitted in the general revision of this part by Pub. L. 99-498. See section 2756a of this title.

SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2707, 3020d, 4953, 4973, 5055, 9912 of this title; title 29 section 795a.

§ 2991. Short title

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-175, title V, § 501, Nov. 29, 1987, 101 Stat. 973, provided that: “This title [enacting sections 2991b-1, 2991d-1 and 2992b-1 of this title and amending sections 2991a, 2991b, 2991d-1, 2991f, 2992c, and 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1987.’”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-558, title X, § 1001, Oct. 30, 1984, 98 Stat. 2905, provided that: “This title [amending sections 2991b, 2992b to 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1984.’”

§ 2991a. Congressional statement of purpose

The purpose of this subchapter is to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaskan Natives.

(As amended Pub. L. 100-175, title V, §§ 504(b)(1), 506(c)(1), Nov. 29, 1987, 101 Stat. 975, 978.)

AMENDMENTS

1987—Pub. L. 100-175, § 506(c)(1), substituted “Native Hawaiians” for “Hawaiian Natives”.

Pub. L. 100-175, § 504(b)(1), inserted “, other Native American Pacific Islanders (including American Samoan Natives),” after “Hawaiian Natives”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 504(b)(1) of Pub. L. 100-175 effective Oct. 1, 1987, and amendment by section 506(c)(1) of Pub. L. 100-175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100-175, set out as a note under section 3001 of this title.

§ 2991b. Financial assistance for native American projects

- (a) Authorization for financial assistance to public and nonprofit agencies; consultation with other Federal agencies to avoid duplication

The Secretary is authorized to provide financial assistance, on a single year or multiyear basis, to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, [43 U.S.C. 1601 et seq.], and such public and nonprofit private agencies serving Native Hawaiians, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this subchapter. The Secretary is authorized, subject to the availability of funds appropriated under the authority of section 2992d(c) of this title, to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act. In determining the projects to be assisted under this subchapter, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible. Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this subchapter is consistent with the priorities established by the agency which receives such assistance.

[See main edition for text of (b)]

- (c) Assistance as addition to, and not substitution for, activities previously carried out without Federal assistance; waiver; nonreservation areas

(1) No project shall be approved for assistance under this subchapter unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which the Secretary determines, in accordance with regulations establishing objective criteria, that appli-

cation of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this subchapter.

(2) No project may be disapproved for assistance under this subchapter solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.

(As amended Pub. L. 98-558, title X, § 1002, Oct. 30, 1984, 98 Stat. 2905; Pub. L. 100-175, title V, §§ 502(1), 504(a), 506(c)(2), Nov. 29, 1987, 101 Stat. 973, 975, 978.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), probably means the Native American Programs Act of 1974, Pub. L. 88-452, title VIII, as added by Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2324, which is classified generally to this subchapter, see section 2991 of this title.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-175, § 506(c)(2), substituted “Native Hawaiians” for “Hawaiian Natives”.

Pub. L. 100-175, §§ 502(1), 504(a), inserted “, on a single year or multiyear basis,” after “assistance” in first sentence and inserted after first sentence “The Secretary is authorized, subject to the availability of funds appropriated under the authority of section 2992d(c) of this title, to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act.”

1984—Subsec. (a). Pub. L. 98-558, § 1002(a), inserted at end “Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this subchapter is consistent with the priorities established by the agency which receives such assistance.”

Subsec. (c)(1). Pub. L. 98-558, § 1002(b), designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by sections 502(1) and 504(a) of Pub. L. 100-175 effective Oct. 1, 1987, and amendment by section 506(c)(2) of Pub. L. 100-175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100-175, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2991d-1, 2991f, 2992b, 2992d of this title.

§ 2991b-1. Loan fund; demonstration project

- (a) Grants to Hawaiian agency or organization to establish revolving loan fund; purposes of fund; administrative costs

(1) In order to provide funding that is not available from private sources, the Secretary shall award grants to one agency of the State of Hawaii, or to one community-based Native Hawaiian organization whose purpose is the economic and social self-sufficiency of Native Hawaiians, which shall use such grants to establish and carry out, in the State of Hawaii, a 5-year demonstration project involving the establishment of a revolving loan fund—

(A) from which such agency or Native Hawaiian organization shall make loans to Native Hawaiian organizations and to individual Native Hawaiians for the purpose of promoting economic development in the State of Hawaii; and

(B) into which all payments, interest, charges, and other amounts collected from loans made under subparagraph (A) shall be deposited notwithstanding any other provision of law.

(2) The agreement under which a grant is awarded under paragraph (1) shall contain provisions which set forth the administrative costs of the grantee that are to be paid out of the funds provided under the grant.

(b) Loans to borrowers; determinations; term; interest rate; default and collection procedures; prohibition on self-lending; final date for loans

(1) The agency or organization to which a grant is awarded under subsection (a)(1) of this section may make loans to a borrower under subsection (a)(1)(A) of this section only if the agency or organization determines that—

(A) the borrower is unable to obtain financing from other sources on reasonable terms and conditions; and

(B) there is a reasonable prospect that the borrower will repay the loan.

(2) Loans made under subsection (a)(1)(A) of this section shall be—

(A) for a term that does not exceed 5 years; and

(B) at a rate of interest that is 2 percentage points below the average market yield on the most recent public offering of United States Treasury bills occurring before the date on which the loan is made.

(3) The agency or organization to which a grant is awarded under subsection (a)(1) of this section may require any borrower of a loan made under subsection (a)(1)(A) of this section to provide such collateral as the agency or organization determines to be necessary to secure the loan.

(4) Prior to making loans under subsection (a)(1)(A) of this section, the agency or organization to which a grant is awarded under subsection (a)(1) of this section shall establish written procedures and definitions pertaining to defaults and collections of payments under the loans which shall be subject to the review and approval of the Secretary. Such agency or organization shall provide to each applicant for a loan under subsection (a)(1)(A) of this section, at the time application for the loan is made, a written copy of such procedures and definitions.

(5) The agency or organization to which a grant is awarded under subsection (a)(1) of this section may not lend to itself any of the funds awarded under the grant.

(6) No loan may be made from the revolving fund that is required to be established under subsection (a) of this section after the close of the 5-year period beginning on November 29, 1987.

(c) Notice to Secretary of loans in default and uncollectability of such loans; instructions by Secretary

(1) The agency or organization to which a grant is awarded under subsection (a)(1) of this section shall provide the Secretary at regular intervals written notice of each loan made under subsection (a)(1)(A) of this section that is in default and the status of such loan.

(2)(A) After making reasonable efforts to collect all amounts payable under a loan made under subsection (a)(1)(A) of this section that is in default, the agency or organization to which a grant is awarded under subsection (a)(1) of this section shall notify the Secretary that such loan is uncollectable or collectable only at an unreasonable cost. Such notice shall include recommendations for future action to be taken by the agency or organization.

(B) Upon receiving such notice, the Secretary shall instruct the agency or organization—

(i) to continue with its collection activities;

(ii) to cancel, adjust, compromise, or reduce the amount of such loan; or

(iii) to modify any term or condition of such loan, including any term or condition relating to the rate of interest or the time of payment of any installment of principal or interest, or portion thereof, that is payable under such loan.

(C) The agency or organization shall carry out all instructions received under subparagraph (B) from the Secretary.

(d) Payment of administrative costs; management and technical assistance

(1) The agency or organization to which a grant is awarded under subsection (a)(1) of this section shall, out of funds available in the revolving loan fund established under such subsection—

(A) pay expenses incurred by the agency or organization in administering the revolving loan fund; and

(B) provide competent management and technical assistance to borrowers of loans made under subsection (a)(1)(A) of this section to assist the borrowers to achieve the purposes of such loans.

(2) The Secretary shall provide to the agency or organization to which a grant is made under subsection (a)(1) of this section such management and technical assistance as the agency or organization may request in order to carry out the provisions of this section.

(e) Regulations

Not later than 120 days after November 29, 1987, the Secretary, in consultation with appropriate agencies of the State of Hawaii and community-based Native Hawaiian organizations, shall prescribe regulations which set forth the procedures and criteria to be used—

(1) in making loans under subsection (a)(1)(A) of this section; and

(2) in canceling, adjusting, compromising, and reducing under subsection (c) of this section the outstanding amounts of such loans.

The Secretary may prescribe such other regulations as may be necessary to carry out the purposes of this section, including regulations involving reporting and auditing.

(f) Authorization of appropriations; investment in obligations of United States; deposit of unneeded monies as miscellaneous receipts in Treasury

(1) There is authorized to be appropriated for fiscal years 1988, 1989, and 1990 the aggregate amount \$3,000,000 for all such fiscal years for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation.

(2) The revolving loan fund that is required to be established under subsection (a)(1) of this section shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

(3)(A) All monies that are in the revolving loan fund at the close of the 5-year period beginning on November 29, 1987, and that are not otherwise needed (as determined by the Secretary) to carry out the provisions of this section shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) All monies deposited in the revolving loan fund after the close of such period pursuant to subsection (a)(1)(B) of this section shall be deposited into the Treasury of the United States as miscellaneous receipts.

(g) Reports to Congress; contents

(1) The Secretary, in consultation with the agency or organization to which a grant is awarded under subsection (a)(1) of this section, shall submit to the Congress—

(A) an interim report not later than 2 years after November 29, 1987; and

(B) a final report not later than 4 years after November 29, 1987;

regarding the administration of this section.

(2) Each such report shall include the views and recommendations of the Secretary regarding—

(A) the effectiveness of the demonstration project;

(B) whether the demonstration project should be expanded to other groups eligible for assistance under this subchapter; and

(C) whether the duration of the demonstration project should be extended.

(Pub. L. 88-452, title VIII, § 803A, as added Pub. L. 100-175, title V, § 506(a), Nov. 29, 1987, 101 Stat. 976.)

EFFECTIVE DATE

Section effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(c) of Pub. L. 100-175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2992d of this title.

§ 2991d. Research, demonstration, and pilot projects

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2991d-1, 2991f of this title.

§ 2991d-1. Panel review of applications for assistance

(a) Establishment of formal panel; members

(1) The Secretary shall establish a formal panel review process for purposes of—

(A) evaluating applications for financial assistance under sections 2991b and 2991d of this title; and

(B) determining the relative merits of the projects for which such assistance is requested.

(2) To implement the process established under paragraph (1), the Secretary shall appoint members of review panels from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Secretary shall give preference to American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaskan Natives.

(b) Duties of panel

Each review panel appointed under subsection (a)(2) of this section that reviews any application for financial assistance shall—

(1) determine the merit of each project described in such application;

(2) rank such application with respect to all other applications it reviews for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

(3) submit to the Secretary a list that identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2).

(c) Notice to Congressional committee chairman; information required

Upon the request of the chairman of the Select Committee on Indian Affairs of the Senate or of the chairman of the Committee on Education and Labor of the House of Representatives made with respect to any application for financial assistance under section 2991b or 2991d of this title, the Secretary shall transmit to the chairman written notice—

(1) identifying such application;

(2) containing a copy of the list submitted to the Secretary under subsection (b)(3) of this section in which such application is ranked;

(3) specifying which other applications ranked in such list have been approved by the Secretary under sections 2991b and 2991d of this title; and

(4) if the Secretary has not approved each application superior in merit, as indicated on such list, to the application with respect to which such notice is transmitted, containing a statement of the reasons relied upon by the Secretary for—

(A) approving the application with respect to which such notice is transmitted; and

(B) failing to approve each pending application that is superior in merit, as indicated on such list, to the application described in subparagraph (A).

(Pub. L. 88-452, title VIII, § 806, as added and amended Pub. L. 100-175, title V, §§ 502(4), 504(b)(2), Nov. 29, 1987, 101 Stat. 973, 975.)

PRIOR PROVISIONS

A prior section 806 of Pub. L. 88-452 was renumbered section 807 and is classified to section 2991e of this title.

Another prior section 806 of Pub. L. 88-452, title VIII, as added Pub. L. 89-794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, which provided for the duration of the VISTA program through June 30, 1970, was classified to section 2991e of this title and was omitted in the general reorganization of this subchapter by Pub. L. 90-222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1987—Subsec. (a)(2). Pub. L. 100-175, § 504(b)(2), which directed that par. (2) be amended by inserting “other Native American Pacific Islanders (including American Samoan Natives),” after “Hawaiian Natives,” was executed by making the insertion after “Native Hawaiians,” to reflect the probable intent of Congress.

EFFECTIVE DATE

Enactment and amendment by Pub. L. 100-175 effective Oct. 1, 1987, see section 701 of Pub. L. 100-175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 2991e. Announcement of research, demonstration, or pilot projects

[See main edition for text]

(Pub. L. 88-452, title VIII, § 807, formerly § 806, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2325, and renumbered § 807, Pub. L. 100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 807 of Pub. L. 88-452 was renumbered section 808 and is classified to section 2991f of this title.

§ 2991f. Submission of plans and notification of officials by Secretary

[See main edition for text of (a)]

(b) Notification to chief executive officer of State or Territory

No financial assistance may be provided to any project under section 2991b of this title or any research, demonstration, or pilot project under section 2991d of this title, which is to be carried out in a State or Territory other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State or Territory of the decision of the Secretary to provide that assistance.

(c) Notification to local governing officials of political subdivision

No financial assistance may be provided to any project under section 2991b of this title or

any research, demonstration, or pilot project under section 2991d of this title, which is to be carried out in a city, county, or other major political subdivision of a State or Territory, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of the decision of the Secretary to provide that assistance.

(Pub. L. 88-452, title VIII, § 808, formerly § 807, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2325, and amended Pub. L. 95-568, § 17(a)(40), Nov. 2, 1978, 92 Stat. 2443; renumbered § 808 and amended Pub. L. 100-175, title V, §§ 502(3), 504(b)(3), Nov. 29, 1987, 101 Stat. 973, 975.)

PRIOR PROVISIONS

A prior section 808 of Pub. L. 88-452 was renumbered section 809 and is classified to section 2991g of this title.

AMENDMENTS

1987—Subsecs. (b), (c). Pub. L. 100-175, § 504(b)(3), inserted “or territory” after “State” wherever appearing.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, see section 701(a) of Pub. L. 100-175, set out as a note under section 3001 of this title.

§ 2991g. Records and audits

[See main edition for text]

(Pub. L. 88-452, title VIII, § 809, formerly § 808, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2325, and renumbered § 809, Pub. L. 100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 809 of Pub. L. 88-452 was renumbered section 810 and is classified to section 2991h of this title.

§ 2991h. Appeals, notice, and hearing

[See main edition for text]

(Pub. L. 88-452, title VIII, § 810, formerly § 809, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2326, and renumbered § 810, Pub. L. 100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 810 of Pub. L. 88-452 was renumbered section 811 and is classified to section 2992 of this title.

Another prior section 810 of Pub. L. 88-452, title VIII, as added Pub. L. 90-222, title I, § 110, Dec. 23, 1967, 81 Stat. 722, which related to authority to establish full-time programs, was classified to section 2992 of this title and was repealed by Pub. L. 93-113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

§ 2992. Evaluation of projects

[See main edition for text]

(Pub. L. 88-452, title VIII, § 811, formerly § 810, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2326, and renumbered § 811, Pub. L.

100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 811 of Pub. L. 88-452 was renumbered section 812 and is classified to section 2992a of this title.

Another prior section 811 of Pub. L. 88-452, title VIII, as added Pub. L. 90-222, title I, § 110, Dec. 23, 1967, 81 Stat. 723, and amended Pub. L. 92-424, § 26(b), Sept. 19, 1972, 86 Stat. 703, which related to terms of service, was classified to section 2992a of this title and was repealed by Pub. L. 93-113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

§ 2992a. Labor standards

[See main edition for text]

(Pub. L. 88-452, title VIII, § 812, formerly § 811, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2327, and renumbered § 812, Pub. L. 100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 812 of Pub. L. 88-452 was renumbered section 813 and is classified to section 2992b of this title.

Another prior section 812 of Pub. L. 88-452, title VIII, as added Pub. L. 90-222, title I, § 110, Dec. 23, 1967, 81 Stat. 723, which related to support of full-time volunteers, was classified to section 2992b of this title and was repealed by Pub. L. 93-113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

§ 2992b. Administration; delegation of authority

(a) General administration; prohibition of transfer; grant authority

(1) The general administration of the programs authorized by this chapter shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

(2) The Secretary shall continue to administer grants under section 2991b of this title through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

(b) Delegation of authority to agency heads; transfer of funds

(1) Except as provided in subsection (a)(2) of this section, the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this subchapter and may authorize the redelegation only within such Department of such functions, powers, and duties by the heads of such agencies.

(2) Funds appropriated to carry out this subchapter, other than section 2991b of this title, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

(c) Interagency funding agreements

Nothing in this section shall be construed to prohibit interagency funding agreements made between the Administration for Native Ameri-

cans and other agencies of the Federal Government for the development and implementation of specific grants or projects.

(Pub. L. 88-452, title VIII, § 813, formerly § 812, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2327, and amended Pub. L. 95-568, § 17(a)(41), Nov. 2, 1978, 92 Stat. 2443; Pub. L. 98-558, title X, § 1003, Oct. 30, 1984, 98 Stat. 2905; renumbered § 813, Pub. L. 100-175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

PRIOR PROVISIONS

A prior section 813 of Pub. L. 88-452 was renumbered section 815 and is classified to section 2992c of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-558, amended subsec. (a) generally, substituting provisions relating to general administration of programs, prohibitions of transfer of programs outside the Department and grant authority of the Secretary for former provisions which related to delegation by the Secretary to heads of other departments and agencies.

Subsec. (b). Pub. L. 98-558, amended subsec. (b) generally, substituting provisions relating to delegation of authority to heads of agencies within the Department and transfer of funds for former provisions which related to manner of exercising power, duties and functions.

Subsec. (c). Pub. L. 98-558, amended subsec. (c) generally, substituting provisions relating to interagency funding agreements for former provisions which related to transfer of funds between departments and agencies.

§ 2992b-1. Additional requirements applicable to rule-making

(a) In general

Notwithstanding subsection (a) of section 553 of title 5, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this subchapter.

(b) Interpretative rule or general statement of policy; waiver of notice and public procedure regarding any other rule

(1) Subparagraph (A) of the last sentence of section 553(b) of title 5 shall not apply with respect to any interpretative rule or general statement of policy—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(2) Subparagraph (B) of the last sentence of section 553(b) of title 5, shall not apply with respect to any rule (other than an interpretative rule or a general statement of policy)—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(3) The first 2 sentences of section 553(b) of title 5 shall apply with respect to any rule (other than an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice) that is—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

unless the Secretary for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in such rule) that notice and public procedure thereon are contrary to the public interest or would impair the effective administration of any program, project, or activity with respect to which such rule is issued.

(c) Effective date of rule or general statement of policy

Notwithstanding section 553(d) of title 5, no rule (including an interpretative rule) or general statement of policy that—

(1) is issued to carry out this subchapter; or

(2) applies exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5.

(d) Statutory citation required

Each rule (including an interpretative rule) and each general statement of policy to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statutory or other law that is the legal authority for such section, paragraph, or unit.

(e) Rule or general statement of policy necessary as result of legislation; time for issuance

Except as provided in subsection (c) of this section, if as a result of the enactment of any law affecting the administration of this subchapter it is necessary or appropriate for the Secretary to issue any rule (including any interpretative rule) or a general statement of policy, the Secretary shall issue such rule or such general statement of policy not later than 180 days after the date of the enactment of such law.

(f) Copy of rule or general statement of policy to Congressional leaders

Whenever an agency publishes in the Federal Register a rule (including an interpretative rule) or a general statement of policy to which subsection (c) of this section applies, such agency shall transmit a copy of such rule or such general statement of policy to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 88-452, title VIII, § 814, as added Pub. L. 100-175, title V, § 503(a), Nov. 29, 1987, 101 Stat. 974.)

PRIOR PROVISIONS

A prior section 814 of Pub. L. 88-452 was renumbered section 816 and is classified to section 2992d of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 701(a) of Pub. L. 100-175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 2992c. Definitions

As used in this subchapter, the term—

[See main edition for text of (1) and (2)]

(3) "Native Hawaiian" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778;

(4) the term "rule" has the meaning given it in section 551(4) of title 5, as amended from time to time; and

(5) "Secretary" means the Secretary of Health and Human Services.

(Pub. L. 88-452, title VIII, § 815, formerly § 813, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2327, and amended Pub. L. 98-558, title X, § 1004, Oct. 30, 1984, 98 Stat. 2906; renumbered § 815 and amended Pub. L. 100-175, title V, §§ 502(2), 503(b), Nov. 29, 1987, 101 Stat. 973, 975.)

AMENDMENTS

1987—Pars. (4), (5). Pub. L. 100-175, § 503(b), added par. (4) and redesignated former par. (4) as (5).

1984—Par. (4). Pub. L. 98-558 added par. (4).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, see section 701(a) of Pub. L. 100-175, set out as a note under section 3001 of this title.

§ 2992d. Authorization of appropriations

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this subchapter (other than section 2991b-1 of this title), such sums as may be necessary for fiscal years 1988, 1989, 1990, and 1991.

(b) Not less than 90 per centum of the funds made available to carry out the provisions of this subchapter (other than section 2991b-1 of this title) for a fiscal year shall be expended to carry out section 2991b(a) of this title for such fiscal year.

(c)(1) Except as provided in paragraph (2), there are authorized to be appropriated \$500,000 for each of the fiscal years 1988, 1989, 1990, and 1991 for the purpose of providing financial assistance to other Native American Pacific Islanders (including American Samoan Natives) under section 2991b(a) of this title.

(2) No funds may be appropriated under paragraph (1) for a fiscal year unless the amount appropriated under subsection (a) of this section for such fiscal year exceeds 105 percent of the amount appropriated under subsection (a) of this section for the preceding fiscal year.

(Pub. L. 88-452, title VIII, § 816, formerly § 814, as added Pub. L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2327, and amended Pub. L. 95-568, § 15, Nov. 2, 1978, 92 Stat. 2439; Pub. L. 98-558, title X, § 1005, Oct. 30, 1984, 98 Stat. 2906; renumbered § 816 and amended Pub. L. 100-175, title V, §§ 502(2), 505, 506(b), Nov. 29, 1987, 101 Stat. 973, 975, 978.)

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-175, § 506(b), inserted "(other than section 2991b-1 of this title)" after "this subchapter".

Pub. L. 100-175, § 505(1), substituted "1988, 1989, 1990, and 1991" for "1979 through 1986".

Subsec. (b). Pub. L. 100-175, § 506(b), inserted "(other than section 2991b-1 of this title)" after "this subchapter".

Subsec. (c). Pub. L. 100-175, § 505(2), added subsec. (c).

1984—Pub. L. 98-558 designated existing provisions as subsec. (a), substituted "1986" for "1981", and added subsec. (b).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 505 of Pub. L. 100-175 effective Oct. 1, 1987, and amendment by section 506(b) of Pub. L. 100-175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100-175, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2991b of this title.

SUBCHAPTER X—LEGAL SERVICES CORPORATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3020d, 3027, 4953, 9912 of this title; title 8 section 1161.

§ 2996b. Legal Services Corporation

[See main edition for text]

(As amended Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954" wherever appearing, which for purposes of codification was translated as "title 26" thus requiring no change in text.

CHAPTER 35—PROGRAMS FOR OLDER AMERICANS

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